

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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ABRAHAM MANOPLA, : Civil Action No.:  
  
Plaintiff, :  
  
-against- : **COMPLAINT**  
  
ASSOCIATED CREDIT SERVICES, INC., :  
  
Defendant(s). : **DEMAND FOR JURY TRIAL**  
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Plaintiff ABRHAM MANOPLA ("Plaintiff"), by and through his attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant ASSOCIATED CREDIT SERVICES, INC. ("ACS") hereinafter referred to as Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiffs bring this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff is a resident of the State of New Jersey, residing at 286 Berger Ave, Oakhurst NJ 07755.

3. Defendant ASSOCIATED CREDIT SERVICES, INC. is a corporation doing business in Massachusetts with their main office located at 115 Flanders Road, Suite 140, Westborough, MA 01581.

4. The Plaintiff is a "consumer" as the phrase is defined and used in the FDCPA

5. ACS is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

### **JURISDICTION AND VENUE**

6. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

### **FACTUAL ALLEGATIONS**

8. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "7" herein with the same force and effect as if the same were set forth at length herein.

9. On information and belief, Defendant, on behalf of a third-party or itself as purchaser of the debt, began collecting an alleged consumer debt.

10. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff approximately May 2<sup>nd</sup>, 2013.

11. The Plaintiff called the Defendant approximately May 2<sup>nd</sup>, 2013 to enquire about an alleged debt.

12. The Defendant made deceptive false and misleading statements to the Plaintiff.

13. The Defendant specifically stated that "TD bank and the managers listen to all the conversations and that's why they can't lie to him.", and that if the Plaintiff disputed the debt (the Plaintiff did dispute the debt) that the debt would sit unresolved so the Plaintiff

might as well pay it.

**FIRST CAUSE OF ACTION**  
***(Violations of the FDCPA)***

14. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “13” herein with the same force and effect as if the same were set forth at length herein.

15. 15 USC §1692e –preface prohibits a debt collector from making any false, deceptive or misleading statements in connection with the collection of a debt.

16. The Defendant violated 15 USC §1692e –preface by deceptively, falsely, and misleading stating that TD bank and the managers listen to all the conversation and that's why they can't lie to him. TD Bank and the manager do not listen to all the conversations and TD Bank doesn't listen to any conversations. Further it is deceptive and misleading to state that because the conversations are listened to the defendant cannot tell a lie and only speaks the truth.

17. 15 USC §1692f – preface prohibits a debt collector from using any unfair and unconscionable means to collect a debt.

18. The Defendant violated 15 USC §1692f –preface by unfairly and unconscionable attempting to get the Plaintiff to pay a debt not because he owed it but because it would sit unresolved if he disputed it. The entire idea of disputing the debt is that the debt is incorrect in part or in whole.

19. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

20. Plaintiff ABRAHAM MANOPLA hereby respectfully requests a trial by jury

for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demands judgment from the Defendants as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k(a)(3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

**CERTIFICATION PURSUANT TO L. CIV. R. 11.2**

I certify that, to the best of my knowledge, this matter is not the subject of any other action pending in any court or of any pending arbitration or administrative proceeding.

Dated: August 22nd, 2013

/s/ Yitzchak Zelman, Esq. (YZ5857)  
M. HARVEY REPHEN & ASSOCIATES, P.C.

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MANOPLA

To: Associated Credit Services, Inc.  
115 Flanders Road, Suite 140  
Westborough, MA 01581-5171  
(Via Prescribed Service)

Clerk of the Court,  
United States District Court, District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street Room 2020  
Trenton, New Jersey 08608  
(Via Electronic Court Filing)